

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

VALERIE KLOOSTERMAN

Plaintiffs

Civil Action No. 1:22-cv-00944
Hon. Jane M. Beckering

v.

METROPOLITAN HOSPITAL, d/b/a University of Michigan Health-West, d/b/a Metro Health – University of Michigan Health; RAKESH PAI, individually and in his official capacity as President, Medical Group & Chief Population Health Officer at University of Michigan Health-West; RHAE-ANN BOOKER, individually and in her official capacity as Vice President of Diversity, Equity, and Inclusion at University of Michigan Health-West; MARLA COLE, individually and in her official capacity as Director of Human Resources at University of Michigan Health-West; THOMAS PIERCE, individually and in his official capacity as Diversity, Equity & Inclusion Coordinator at University of Michigan Health-West, and CATHERINE SMITH, individually and in her official capacity as a member of the Advanced Practice Providers' Council at University of Michigan Health-West,

Defendants.

**DEFENDANTS' MOTION FOR SUMMARY JUDGMENT
TO COMPEL ARBITRATION**

Defendants University of Michigan Health-West, Rakesh Pai, Rhae-Ann Booker, Marla Cole, Thomas Pierce, and Catherine Smith, by and through their attorneys, HALL, RENDER, KILLIAN, HEATH & LYMAN, PC, respectfully move to compel arbitration and dismiss Plaintiff Valerie Kloosterman's ("Plaintiff") Second Amended Complaint (ECF No. 69) pursuant to Fed. R. Civ. P. 56(c) for the following reasons:

1. Plaintiff's Physician Assistant Employment Agreement makes the claims in Plaintiff's Second Amended Complaint subject to the terms of a binding arbitration clause.

2. Plaintiff's claims against the individual Defendants, in their individual and official capacities, are also covered by the arbitration clause.

3. The proper procedure, when all claims are subject to arbitration is dismissal of the case, rather than a stay of proceedings.

4. To the extent this Court concludes that summary judgment is not the appropriate procedure for the instant motion, Defendants move alternatively for dismissal under Fed. R.Civ. P. 12(b)(1), 12(b)(3), and/or 12(b)(6).

5. Plaintiff's counsel stated that Plaintiff would oppose this Motion.

WHEREFORE, and for the reasons set forth more fully in the accompanying Brief in Support, University of Michigan Health-West, Rakesh Pai, Rhae-Ann Booker, Marla Cole, Thomas Pierce, and Catherine Smith respectfully request that this Honorable Court grant this Motion, compel arbitration of Plaintiff's Second Amended Complaint and dismiss this action.

Respectfully submitted,

HALL RENDER KILLIAN HEATH & LYMAN, PC

/s/ Jonathon A. Rabin
Jonathon A. Rabin (P57145)
Larry R. Jensen (P60137)
Attorneys for Individual Defendants
101 W. Big Beaver Road, Suite 745
Troy, MI 48084
(248) 740-7505
jrabin@hallrender.com
ljensen@hallrender.com

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